jury that this was a case of murder or nothing. When a group of people attack an unarmed and defenceless man with heavy changkol handles and beat him on the head, the only reference that can be drawn from these facts is that the appellants had at least the intention to cause bodily harm and as ordinary men must have known that the most probable effect of the injuries inflicted would be death.

The appeals of the first four appellants are dismissed.

As regards the fifth and sixth appellants, we do not consider that the direction given by the learned trial Judge on section 149 was satisfactory. To make these appellants liable there has to be proof of knowledge that the offence was likely to be committed. The jury were not directed on this point. Had they been adequately directed they might have found the appellants guilty of a lesser offence.

In these circumstances we allow their appeals and alter the convictions of appellants Nos. 5 and 6 to a conviction under section 149 as read with section 325 of the Penal Code, the least offence of which the jury on the evidence could have found them guilty, and impose a sentence of seven years rigorous imprisonment on each appellant.

The appeals of 1st four appellants dismissed.

The appeals of 5th and 6th appellants allowed and convictions altered.

LEONG MAN PAN & ANOR.
v.
PRESIDENT, THONG SOW HONG.

[App. Civ. Juris. (Sir Charles Murray - Aynsley, C.J.) July 10, 1952]

[Singapore — District Court Appeal No. 19 of 1951]

Landlord and tenant — Control of Rent Ordinance, 1947, s. 14(1)(a) — Demand of rent — Rent in arrear after demand made — "Demand" — Meaning of.

No restrictive meaning should be put upon the word "demand". The object of the demand is to give the tenant a chance to pay and, of especial importance, to let the tenant know where rent can be paid. If the tenant fails to take advantage of this, the protection of the Ordinance ceases. For the purpose of this Ordinance, rent unpaid after the demand is in arrear.

Cases referred to :—

(1) *Crouch v. Pastolfe* 83 E.R. Raym. T. 418.

(2) *Tan Yee Moh v. Varthamal* (1948) M.L.J. 55 and (C.A.) 180.

DISTRICT COURT APPEAL.

R. H. Green for the appellants.

N. N. Leicester for the respondent.

Cur. Adv. Vult.

Sir Charles Murray-Aynsley, C.J. : — This appeal raised a short point under the Control of Rent Ordinance, 1947, No. 25 of 1947. It is a question of the construction of section 14(1)(a). The learned District Judge held that the word "demand" had a restricted meaning, namely, that it had to satisfy the exacting requirements of the common law, as they are set out in *Crouch v. Pastolfe*[1]. The case from Perak of *Tan Yee Moh v. Varthamal*[2] was cited in support. I do not think that that case applies. Here the basis of the claim to possession is termination of the tenancy by notice to quit. Apart from section 14 of this Ordinance that would be unanswerable. However, the Legislature has given in certain cases protection to the tenant in that an order for possession can only be given if certain conditions are fulfilled. Here the rent must be in arrear for twenty-one days after demand. I do not think that it is necessary to put a restrictive meaning upon the word "demand". A demand in solemn form as required by the common law is in point of fact so obsolete that I do not think that the Legislature intended such a proceeding. The object of the demand is to give the tenant a chance to pay and, of special importance, to let the tenant know where rent can be paid. If the tenant fails to take advantage of this the protection of the Ordinance ceases. For the purpose of this Ordinance rent unpaid after the demand is in arrear.

The appeal is allowed with costs. Deposit to appellant.

Appeal allowed.

CHANG GIM HENG v. CREDIT FONCIER D'EXTREME - ORIENT & ANOR.

[App. Civ. Juris. (Sir Charles Murray - Aynsley, C.J.) March 6, 1952]

[Singapore — District Court Appeal No. 16 of 1951]

Landlord and tenant — Control of Rent Ordinance, 1947, s. 14(1)(i) and (m) — "Premises" — Definition of — Building 25 years old — Consent of landlord to erection presumed.

This was an appeal concerning the recovery of property on what is known as Siglap Estate. The property demised consisted of land on which had been erected a wooden hut which was not of such a character as to form part of the freehold and which appeared to be the property of the tenant. It stood there for at least 25 years.

In the Court below the landlord claimed possession under section 14(1)(i) and (m) of the Control of Rent Ordinance, 1947. The learned District Judge negatived these grounds but held that Ordinance did not apply, as the property in question was not "premises" within the meaning of the definition.

A preliminary objection was taken that no appeal lay on the ground that there was nothing on record to show that the value of the subject matter exceeded $100.

Held that in order that the demised property may be brought within the definition of "premises" whatever has been erected must have been erected with the consent of the landlord at the time of the erection and where there is no direct evidence and a dwelling house had had been built for many years the consent of the landlord must be presumed.

Held further that there is either appeal or revision in every case and if the Court did not exercise the powers by way of appeal it would do so by way of revision.

Case referred to :—

(1) *A. L. M. M. Muthukaruppan Chettiar v. Haji Ibrahim* (1941) M.L.J. 150.

DISTRICT COURT APPEAL.

A. P. Rajah for he appellant.

D. S. Marshall for the respondents.

Cur. Adv. Vult.

Sir Charles Murray-Aynsley, C.J. : — This appeal concerns the recovery of property on what is known as the Siglap Estate. The property demised consists of land on which has been erected a wooden hut which is not of such a character as to form part of the freehold and which appears to be the property of the tenant. It has stood there for at least 25 years.

In the Court below the landlord claimed possession under section 14(1)(i) and (m) of the Control of Rent Ordinance, 1947. The learned District Judge negatived these grounds but held that Ordinance did not apply, as the property in question was not "premises" within the meaning of the definition.

The definition reads as follows :—

" 'Premises' means any dwelling house, flat, factory, warehouse, office, counting house, shop, school and any other building in which persons are employed or work and any part of any premises let or sublet separately and includes any land whereon any such building is or has been erected with the consent of the landlord but does not include new premises built or completed after the commencement of this Ordinance."

In the original Ordinance the definition was as follows :—

" 'Premises' means any dwelling house, flat, factory, warehouse, offices, counting house, shop, school, any other building in which persons dwell or are employed or work, and any part of any premises let or sublet separately."

The case of *A. L. M. M. Muthukaruppan Chettiar v. Haji Ibrahim*[1] was cited. There had been a demise of land and what may conveniently be called a chattel house had been erected. The landlord claimed possession of the demised land and it was held that he was entitled to recover because what was dismissed was not premises within the meaning of the then section. Of course, if the house had been demised, even though it had been a chattel, the result would have been different.

This led to an amendment (Ordinance 40 of 1940) which is as follows :—

"The expression 'premises' shall be deemed to include and as from the first day of July, 1940, to have included the land on which any moveable building falling within the definition of premises stands . . . . ."

In the present Ordinance this definition has been redrafted. The principal change is the omission of the word "moveable". I think that the only effect of the omission is to enlarge the scope of the definition by including buildings erected by the tenant which were not "moveable", often a very difficult and technical question to decide.

In order that the demised property may be brought within the definition of "premises" whatever has been erected must have been erected with the consent of the landlord, naturally the landlord at the time of erection. Here we have naturally no direct evidence but when it has been suffered for so many years we must presume it.

On the other point I do not think that a structure that is built about posts which penetrate a foot or so into the ground and which has served as a dwelling house for twenty-five years can be other than a building within the meaning of the section in question.

In the case considered above the question was not the permanence or otherwise of the structure but whether it was included in the demise.

A preliminary objection was taken that no appeal lay. This objection was based on the fact that there is nothing in the record to show that the value of the subject matter exceeded $100. It is clear that there is either appeal or revision in every case and if I did not exercise my powers by way of appeal I would do so by way of revision. In view of the rental in the present case there can be no doubt that an appeal lies.

The appeal must be allowed with costs.

Appeal allowed.

JAGDEO v. REG.

[App. Crim. Juris. (Sir Charles Murray-Aynsley, C.J.) May 7, 1952]

[Singapore — Magistrate's Appeal No. 12 of 1952]

Municipal Ordinance (Cap. 133), s. 166(1) and (3) — Structure erected unlawfully not removed after conviction — Time for imposition of additional daily penalty.

The appellant in this case was, in 1950, prosecuted and convicted for unlawful erection of the partitions in contravention of section 166(1) of the Municipal Ordinance but no daily penalty for allowing them to remain